

**Tempe City Council
Formal Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, March 24, 2011
7:30 PM**

Members of the City Council may attend either in person or by telephone conference call.

- 1. INVOCATION - Vice Mayor Navarro**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MINUTES - Councilmember Arredondo-Savage**
 - A. Approval of Council Meeting Minutes
 1. [Formal Council Meeting - March 10, 2011](#)
 2. [Executive Session - March 10, 2011](#)
 3. [Transportation Council Committee - January 11, 2011](#)
 4. [Education Partnerships Council Committee - February 7, 2011](#)
 5. [Housing and Social Service Programs Council Committee - February 8, 2011](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 1. [Neighborhood Advisory Commission - December 1, 2010](#)
 2. [Neighborhood Advisory Commission Outreach Subcommittee - December 14, 2010](#)
 3. [Library Advisory Board - January 5, 2011](#)
 4. [Historical Museum Advisory Board - January 6, 2011](#)
 5. [Municipal Arts Commission Nominating Subcommittee - January 12, 2011](#)
 6. [Municipal Arts Commission - January 12, 2011 and February 9, 2011](#)
 7. [Parks, Recreation and Golf Advisory Board - January 19, 2011](#)
 8. [Tempe Streetcar Community Working Group - January 24, 2011](#)
 9. [Committee for Youth, Families and Community Marketing Sub-Committee - January 25, 2011](#)
 10. [Commission on Disability Concerns - February 3, 2011](#)
 11. [Transportation Commission - February 8, 2011](#)
 12. [Committee for Youth, Families and Community - February 8, 2011](#)
 13. [Aviation Commission - February 8, 2011](#)
 14. [Tempe Police Public Safety Personnel Retirement Board - February 10, 2011](#)
 15. [Historic Preservation Commission - February 10, 2011](#)
 16. [Mayor's Youth Advisory Commission - February 15, 2011](#)
 17. [Hearing Officer - March 1, 2011](#)
 18. [Special Events Task Force - March 8, 2011](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. Board & Commission Recruitment

B. Manager's Announcements

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

A. Miscellaneous Items

- A1. [Request approval of the Report of Claims to be filed for audit for February 2011.](#)

COMMENTS	N/A
DOCUMENT NAME	20110324fsnw01 ACCOUNTS PAYABLE (0208-01)

- *A2. [This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Sunwest Burgers LLC, dba Smashburger #06, 2000 East Rio Salado Parkway, #1155.](#)

COMMENTS	Andrea Dahlman Lewkowitz is the Agent for this application.
DOCUMENT NAME	20110324fsap01 125779 – LIQ LIC (0210-02)

- *A3. [This is a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Warner Shell, 505 West Warner Road.](#)

COMMENTS	Ralph Jamil Rabadi is the Agent for this application.
DOCUMENT NAME	20110310fsap02 125816 – LIQ LIC (0210-02)

- *A4. [This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for OPB Restaurants, Inc., dba Oregano's Pizza Bistro, 1475 West Elliot Road.](#)

COMMENTS Mark Steven Russell is the Agent for this application.
DOCUMENT NAME 20110310fsap03 125935 – LIQ LIC (0210-02)

- A5. [Request approval of the continuation of the Employment Agreement for Charles W. Meyer as City Manager.](#)

COMMENTS N/A
DOCUMENT NAME 20110324caac01 POSITIONS AUTHORIZED (0302-01)

- A6. [Request approval of the continuation of the Employment Agreement for Andrew B. Ching as City Attorney.](#)

COMMENTS N/A
DOCUMENT NAME 20110324caac02 POSITIONS AUTHORIZED (0302-01)

- A7. [Request approval of the continuation of the Employment Agreement for Brigitta M. Kuiper as City Clerk.](#)

COMMENTS N/A
DOCUMENT NAME 20110324caac03 POSITIONS AUTHORIZED (0302-01)

B. Award of Bids/Contracts

- B1. [Request approval of a one-year contract renewal with IES Commercial, Inc. for data and telecommunications cabling and fiber optic installation and repair services in City buildings and streets.](#)

COMMENTS Total cost of this contract shall not exceed \$150,000 during the one-year contract renewal period.
DOCUMENT NAME 20110324fst03 PURCHASES (1004-01)

- B2. [Request approval to utilize a one-year State of Arizona contract with Bridgestone/Firestone of North America, Inc. for the purchase of Bridgestone and Firestone tires and tubes. Purchases will be made through an authorized Bridgestone/Firestone dealer, currently GCR Truck Tire Center, Inc.](#)

COMMENTS The cost of this contract will not exceed \$150,000.
DOCUMENT NAME 20110324fst01 PURCHASES (1004-01)

- B3. [Request award of a construction manager at risk contract for pre-construction phase services with PCL Construction, Inc. for disinfection by-product control at Johnny G. Martinez Water Treatment Plant.](#)

COMMENTS Total amount of this contract is \$99,907.
DOCUMENT NAME 20110324pwdr01 JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3204231

- B4. [Request approval to award a two-year contract with four, one-year renewal options to JPMorgan Chase Bank, N.A. for lockbox services for the expedited collection of payments due the City for alarm permits, business sales and tax licensing and utilities.](#)

COMMENTS Total cost of this contract will not exceed \$113,325.44 during the two-year initial term.
DOCUMENT NAME 20110324fst04 PURCHASES (1004-01)

- B5. [Request approval to award a one-year contract with four one-year renewal options to Naumann Hobbs Material Handling for the purchase of forklifts for use by various City departments.](#)

COMMENTS Total cost of this contract will not exceed \$95,000 during the initial one-year contract period.
DOCUMENT NAME 20110324fsta05 PURCHASES (1004-01)

- B6. [Request award of a construction contract with CPC Construction, Inc. and approval of a project contingency for minor concrete improvements, on-call maintenance and emergency repairs or grading.](#)

COMMENTS Total cost for the construction contract is \$189,795 and a project contingency amount of \$18,000.
DOCUMENT NAME 20110224pwdr03 STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5401414

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action. None.

D. Ordinances and Items for Second Hearing/Final Adoption

- *D1. [Second and final public hearing to adopt an ordinance for the Historic Designation of the Laird-Simpson House located at 1204 South Mill Avenue.](#)

COMMENTS Request for LAIRD – SIMPSON HOUSE (PL100423) (Elna Rae Zeilinger, property owner; Tempe Historic Preservation Office, applicant) consisting of Historic designation and listing in the Tempe Historic Property Register for the Laird - Simpson House, consisting of one (1) lot on approximately 0.25 acres, located at 1204 South Mill Avenue, in the R-2, Multi-Family Residential District. The request includes the following:
HPO11001 (Ordinance No. 2011.08) – Historic Designation consisting of one (1) lot.
DOCUMENT NAME 20110310cddk01 PLANNED DEVELOPMENT (0406) ORDINANCE NO. 2011.08

- *D2. [Second and final public hearing to adopt an ordinance for a Zoning Map Amendment and a Planned Area Development Overlay and to adopt a resolution for a General Plan Amendment for HAYDEN HARBOR AT TEMPE TOWN LAKE, located at 430 North Scottsdale Road.](#)

COMMENTS A LEGAL PROTEST HAS BEEN FILED WITH REGARD TO THIS MATTER; THEREFORE, A ¾ COUNCIL MAJORITY (6 OF 7) IS REQUIRED FOR APPROVAL. The Development Review Commission is recommending approval of the proposal. Staff is recommending approval as submitted, subject to conditions.

Request for HAYDEN HARBOR AT TEMPE TOWN LAKE (PL070506) (El Fenix LLC, El Fenix II LLC & City of Tempe, property owners; Gammage & Burnham PLC, applicant) consisting of six (6) mixed-use towers ranging in height from 220 feet to 278 feet proposed for hotel, residential, restaurant and retail uses, one (1) 12-story office building located above an above-grade six (6) level parking garage totaling 213 feet in height, a (1) one-story office building, a below-grade parking garage, and surface parking. The proposal has a total gross floor building area of 2,059,580 square feet on approximately 13.6 net acres, located at 430 North Scottsdale Road. The request includes the following:

GEP10003 (Resolution No. 2011.06) – A General Plan Projected Land Use Map Amendment from “Open Space” to “Mixed-Use” and a Projected Residential Density Map Amendment from “No Density” to “High Density, greater than 25 units per acre”, all located on approximately 5.23 acres.

ZON08004 (Ordinance No. 2011.05) – Zoning Map Amendment from GID, General Industrial District to MU-4, Mixed-Use High Density District, located on 13.6 acres.

PAD08010 (Ordinance No. 2011.05) – Planned Area Development Overlay to establish general development standards, located on 13.6 acres.

DOCUMENT NAME	20110310cdr01 PLANNED DEVELOPMENT (0406) Resolution No. 2011.06 & Ordinance No. 2011.05
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E. Resolutions

- *E1. [Hold a public hearing pursuant to federal law to obtain citizen comment and request approval to adopt a resolution approving the City of Tempe Housing Authority's Annual Plan for Fiscal Year 2011-2012.](#)

COMMENTS	N/A
DOCUMENT NAME	20110324cdlc01 HOUSING ASSISTANCE PLAN (0408-14) RESOLUTION NO. 2011.20

6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

7. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

A. Scheduled

1. Tempe Festival of the Arts - Jonathan Kozac
2. Haryaksha Gregor Knauer - Death Penalty Abolition & Northern Arizona Uranium Project
3. Citizens concerns regarding policing

B. Unscheduled

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

Agendas are also available at www.tempe.gov/clerk
Watch this meeting live on Cox cable channel 11 or www.tempe.gov/tempe11.
Video replay of this meeting is available the next day at www.tempe.gov/tempe11.